IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5163 of 2001
With
CIVIL APPLICATION NO. 12817 OF 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AHMEDABAD MUNICIPAL CORP.
Versus
K K MOMIN

Appearance:
1. First Appeal No. 5163 of 2001
MR P.S. PATEL for Petitioner No. 1
MR MUKESH R SHAH for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 24/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Heard Shri. P.S. Patel, learned counsel for appellant Corporation.

2. For the assessment year 1993-94 the appellant Corporation fixed GRV at Rs.26,359/- of the premises occupied by respondent. Same was challenged by respondent by way of M.V. Appeal No. 7391 of 1994 before the Small Causes Court, Ahmedabad. Said appeal was allowed by Learned Judge, Small Causes Court No. 7, Ahmedabad and instead of Rs.26,359/- he fixed at Rs.17,850/- for year 1993-94. This has been challenged by the respondent by way of further appeal before this Court.

3. From the judgment of the learned Judge it appears that the respondent had produced judgment Mark 3/1 for the assessment year 1990-91 and 1991-92. Previously GRV for the premises was fixed by the Corporation itself at Rs.6,128/- Surprisingly for assessment year 1993-94 without any basis it has raised to Rs.26,359/-. However Learned Judge looking to the area, i.e. 85 sq. meter of the premises in question and considering the value of the property at Rs.3000/- per sq. meter, he fixed the total value at Rs.2,55,000/- and considering 7 % thereof he fixed the GRV at Rs.17,850/-. Such type of order should not have been challenged by the appellant Corporation by way of appeal. When Learned Judge has taken the trouble of fixing proper GRV at Rs.17,850/-, in our considered opinion the appellant Corporation should have been satisfied with the same instead of unnecessarily filing the appeal for the sake of filing, which is not at all proper. In view of the above observations this appeal fails and accordingly dismissed. Civil Application No. 12817 of 2001 stands disposed as dismissed. No order as to costs.

Dt: 24-1-2002 (B.J. Shethna, J)

(N.G. Nandi, J)

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